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7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
10

11 SUNIL KUMAR, Ph. D., PRAVEEN
SINHA, Ph. D.,

12 Plaintiffs,

13 v.

14 DR. JOLENE KOESTER, in her
15 official capacity as Chancellor of
California State University, LARRY L.
16 ADAMSON, DIANA AGUILAR-
CRUZ, DIEGO ARAMBULA, JACK
17 B. CLARKE JR., ADAM DAY,
DOUGLAS FAIGIN, JEAN P.
18 FIRSTENBERG, WENDA FONG,
LESLIE GILBERT-LURIE, LILLIAN
19 KIMBELL, MARIA LINARES, JULIA
I. LOPEZ, JACK MCGRORY, ANNA
20 ORTIZ-MORFIT, YAMMILETTE
RODRIGUEZ, ROMÉY SABALIUS,
21 LATEEFAH SIMON, CHRISTOPHER
STEIN HAUSER, and JOSE
22 ANTONIO VARGAS, in their
official capacities as trustees of
23 California State University,

24 Defendants.
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Case No. 2:22-cv-07550-RGK-MAA

**DEFENDANTS' ANSWER TO
PLAINTIFFS' COMPLAINT AND
DEMAND FOR JURY TRIAL**

Judge: R. Gary Klausner
Trial Date: Not Set

1 Defendants answer the Complaint filed herein by admitting, denying and
2 alleging as follows.

3 1. Answering paragraph 1, Defendants admit that the CSU Policy
4 Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation,
5 Domestic Violence, Stalking, and Retaliation (Nondiscrimination Policy)
6 (hereinafter, the “CSU Nondiscrimination Policy”) became effective on January 1,
7 2022, and that it includes the language cited in paragraph 1.

8 2. Answering paragraph 2, Defendants admit that the word “caste” was
9 added to the CSU Nondiscrimination Policy, but deny each and every remaining
10 allegation in paragraph 2.

11 3. Answering paragraph 3, Defendants deny that they intended to target
12 members of the Indian/South Asian community and adherents of the Hindu religion
13 for disparate treatment under the CSU Nondiscrimination Policy. Defendants lack
14 sufficient information or belief to respond to the allegation regarding positions taken
15 by “the State of California.” The allegation that CSU operates “under” the State of
16 California is indecipherable, and Defendants are unable to respond; to the extent a
17 response is required, Defendants deny the allegation. Defendants further deny each
18 and every remaining allegation in paragraph 3.

19 4. Answering paragraph 4, Defendants deny all allegations in paragraph 4.

20 5. Answering paragraph 5, Defendants deny that the CSU
21 Nondiscrimination Policy seeks to define the Hindu religion in any manner.
22 Paragraph 5 includes a statement of law that does not qualify as an allegation and
23 does not require a response; to the extent that a response is required, Defendants
24 admit that Plaintiffs accurately quote the cases cited in this paragraph, but deny that
25 the paragraph constitutes a complete statement of the law. Defendants lack
26 sufficient information or belief to respond to the allegation regarding the accuracy or
27 inaccuracy of views regarding religious doctrine. Defendants further deny each and
28 every remaining allegation in paragraph 5.

1 6. Answering paragraph 6, Defendants deny that the CSU
2 Nondiscrimination Policy singles out anyone, and further deny that the CSU
3 Nondiscrimination Policy singles out any specific ethnicity, ancestry, religion, or
4 religious practice. The allegation that “no other Protected Status in the Interim
5 Policy ‘addresses’ any specific ethnicity, ancestry, religion or alleged religious
6 practices” is indecipherable, and Defendants are unable to respond; to the extent a
7 response is required, Defendants admit that the CSU Nondiscrimination Policy does
8 not specifically identify any ethnicity, ancestry, religion or religious practice in any
9 respect, but otherwise deny the allegation. Paragraph 6 includes a statement of law
10 that does not qualify as an allegation and does not require a response; to the extent
11 that a response is required, Defendants admit that Plaintiffs accurately quote the
12 cases cited in this paragraph, but deny that the paragraph constitutes a complete
13 statement of the law. Defendants further deny each and every remaining allegation
14 in paragraph 6.

15 7. Answering paragraph 7, Defendants admit that the CSU
16 Nondiscrimination Policy does not define “caste.” Defendants deny each and every
17 remaining allegation in paragraph 7.

18 8. Answering paragraph 8, Defendants lack sufficient information or
19 belief to form a belief about the truth of the allegations contained therein.

20 9. Answering paragraph 9, Defendants lack sufficient information of
21 belief to form a belief about the truth of the allegation that Plaintiffs applaud and are
22 in agreement with CSU’s efforts to take a firm stance in favor of inclusion and
23 discrimination. Defendants deny each and every remaining allegation in paragraph
24 9.

25 10. Answering paragraph 10, Defendants admit that Plaintiffs purportedly
26 seek a determination that the term “caste” as used in the CSU Nondiscrimination
27 Policy is unconstitutionally vague, but deny that the relief they seek is warranted,
28 and further deny each and every remaining allegation in paragraph 10.

1 11. Answering paragraph 11, Defendants admit that its prior policies
2 already precluded discrimination based on ethnicity and religion. Defendants deny
3 each and every remaining allegation in paragraph 11.

4 12. Answering paragraph 12, Defendants admit that Plaintiffs' complaint
5 seeks an injunction, but deny they are entitled to any relief, and further deny each
6 and every remaining allegation in paragraph 12.

7 13. Answering paragraph 13, paragraph 13 includes a statement of law that
8 does not qualify as an allegation and does not require a response; to the extent that a
9 response is required, Defendants admit that Plaintiffs accurately quote the case cited
10 in this paragraph, but deny that the paragraph constitutes a complete statement of the
11 law. Defendants deny each and every remaining allegation in paragraph 13.

12 14. Answering paragraph 14, Defendants deny each and every allegation in
13 paragraph 14.

14 15. Paragraph 15 incorporates by reference the foregoing paragraphs of the
15 Complaint. Answering Paragraph 15, Defendants incorporate by reference the
16 foregoing paragraphs of this Answer.

17 16. Answering paragraph 16, Defendants admit that Plaintiff Sunil Kumar
18 is a Professor and Thomas G. Pine Faculty Fellow in the Electrical and Computer
19 Engineering Department at San Diego State University, which is in the CSU system.
20 Defendants lack sufficient information or belief to form a belief about the truth of
21 the remaining allegations in paragraph 16.

22 17. Answering paragraph 17, Defendants admit that Plaintiff Praveen Sinha
23 is a professor of Accountancy in the College of Business Administration at
24 California State University Long Beach, which is in the CSU system. Defendants
25 lack sufficient information or belief to form a belief about the truth of the remaining
26 allegations in paragraph 17.

27 18. Answering paragraph 18, Defendants lack sufficient information or
28 belief to form a belief about the truth of the allegations in paragraph 18.

1 19. Answering paragraph 19, Defendants lack sufficient information or
2 belief to form a belief about the truth of the allegations regarding whether Plaintiffs
3 identify as being members of any caste, nor as to their allegations as to what they
4 fear. The remainder of the paragraph constitutes a question rather than an
5 allegation, and Defendants are thus unable to admit or deny; to the extent that a
6 response is required, Defendants deny the implication of the question that
7 enforcement of non-discrimination provisions requires attribution of protected
8 categories.

9 20. Answering paragraph 20, Defendants deny each and every allegation in
10 paragraph 20.

11 21. Answering paragraph 21, Defendants deny each and every allegation in
12 paragraph 21.

13 22. Answering paragraph 22 and the footnote thereto, Defendants lack
14 sufficient information or belief to form a belief about the truth of Plaintiffs’
15 allegations regarding what they support. Defendants lack sufficient information or
16 belief to respond to the allegation regarding how “California” interprets and uses the
17 term “caste.” Defendants deny each and every remaining allegation in paragraph
18 22.

19 23. Answering paragraph 23, Defendants admit that California State
20 University is not a party to this action, that it is a public university, and that it has 23
21 campuses across the state. The allegation that the university is “operated by the
22 State of California” is indecipherable; to the extent that a response is required,
23 defendant denies it.

24 24. Answering paragraph 24, Defendants admit that the Chancellor of CSU
25 is responsible for adopting and/or enforcing the CSU Nondiscrimination Policy and
26 that the complaint names Defendants only in their official capacities, but denies
27 each and every remaining allegation in the paragraph 24.

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1 25. Answering paragraph 25, Defendants admit that CSU is considered an
2 arm of the state. Paragraph 25 includes a statement of law that does not qualify as
3 an allegation and does not require a response; to the extent that a response is
4 required, Defendants deny each and every remaining allegation in paragraph 25.

5 26. Paragraph 26 incorporates by reference the foregoing paragraphs of the
6 Complaint. Answering Paragraph 26, Defendants incorporate by reference the
7 foregoing paragraphs of this Answer.

8 27. Answering paragraph 27, Defendants admits that this action arises
9 under federal law, but denies that this Court has jurisdiction over this case because
10 Plaintiffs lack standing and the matter is not ripe.

11 28. Answering paragraph 28, defendants deny each and every allegation in
12 paragraph 29.

13 29. Answering paragraph 29, Defendants admit that Plaintiffs contend that
14 venue is proper in this District. To the extent that the remaining allegations set forth
15 in Paragraph 29 constitute a statement of position, a statement of law or argument
16 those allegations require no response.

17 30. Paragraph 30 incorporates by reference the foregoing paragraphs of the
18 Complaint. Answering Paragraph 30, Defendants incorporate by reference the
19 foregoing paragraphs of this Answer.

20 31. Answering paragraph 31, Defendants admit that the CSU
21 Nondiscrimination Policy applies to employees, professors and students, and that it
22 prohibits the specified discrimination and harassment. Defendants further admit that
23 the policy became effective on January 1, 2022.

24 32. Answering paragraph 32, Defendants admit.

25 33. Answering paragraph 33, Defendants admit that the CSU
26 Nondiscrimination Policy prohibits discrimination and harassment based on
27 Ethnicity, and that caste is listed as subcategory following “Race or Ethnicity.”
28 Defendants admit that certain employees at CSU “who know[] or have reason to

1 know of incidents that may violate th[e] Nondiscrimination Policy ha[ve] a duty to
2 promptly report,” but deny that this reporting obligation applies to all CSU
3 employees.

4 34. Answering paragraph 34, Defendants admit that the Nondiscrimination
5 Policy does not define “caste.” Defendants deny each and every remaining
6 allegation in paragraph 34.

7 35. Answering paragraph 35, Defendants deny the allegation that “caste is
8 not a term that is familiar to the vast majority of CSU employees, professors or
9 students.”

10 36. Answering paragraph 36, defendants deny each and every allegation in
11 paragraph 36.

12 37. Answering paragraph 37, Defendants admit that the paragraph
13 accurately quotes a complaint filed in Santa Clara Superior Court, but lack sufficient
14 information or belief to respond to the allegation regarding what positions are taken
15 by “the State of California.” The allegation that CSU operates “under” the State of
16 California is indecipherable, and Defendants are unable to respond; to the extent a
17 response is required, Defendants deny the allegation.

18 38. Answering paragraph 38, Defendants admit that Plaintiffs correctly
19 quotes from a CFA Resolution. Except as expressly admitted, Defendants deny
20 each and every allegation in paragraph 38 of the complaint.

21 39. Answering paragraph 39, Defendants deny each and every allegation in
22 paragraph 39.

23 40. Paragraph 40 incorporates by reference the foregoing paragraphs of the
24 Complaint. Answering Paragraph 40, Defendants incorporate by reference the
25 foregoing paragraphs of this Answer.

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1 41. Answering paragraph 41, paragraph 41 consists of a statement of law
2 that does not qualify as an allegation and does not require a response; to the extent
3 that a response is required, Defendants admit that Plaintiffs accurately quote the
4 Constitution, but deny that the paragraph constitutes a complete statement of the
5 law.

6 42. Answering paragraph 42, Defendants lack sufficient information to
7 admit or deny.

8 43. Answering paragraph 43, Defendants admit.

9 44. Answering paragraph 44, paragraph 44 consists of a statement of law
10 that does not qualify as an allegation and does not require a response; to the extent
11 that a response is required, Defendants admit that Plaintiffs accurately quotes the
12 cited case, but deny that the paragraph constitutes a complete statement of the law.

13 45. Answering paragraph 45, Paragraph 45 includes a statement of law that
14 does not qualify as an allegation and does not require a response; to the extent that a
15 response is required, Defendants admit that Plaintiffs accurately quote the cited
16 case, but deny that the paragraph constitutes a complete statement of the law.

17 46. Answering paragraph 46, defendants deny each and every allegation of
18 paragraph 46.

19 47. Answering paragraph 47, paragraph 47 consists of a statement of law
20 that does not qualify as an allegation and does not require a response; to the extent
21 that a response is required, Defendants deny that Plaintiffs' assertion accurately
22 summarizes any legal case or rule.

23 48. Answering paragraph 48, paragraph 48 includes a statement of law that
24 does not qualify as an allegation and does not require a response; to the extent that a
25 response is required, Defendants admit that Plaintiffs accurately quote the cited
26 cases, but deny that the paragraph constitutes a complete statement of the law.

27 49. Answering paragraph 49, Defendants deny each and every allegation in
28 paragraph 49.

1 50. Answering paragraph 50, Defendants deny that the Constitution
2 prohibits “linking” a caste system and the Hindu religion, and lack sufficient
3 information to form a belief about the truth of the remaining allegations alleged in
4 paragraph 50.

5 51. Answering paragraph 51, Defendants lack sufficient information form a
6 belief about the truth of the allegations contained therein.

7 52. Answering paragraph 52, paragraph 52 includes a statement of law that
8 does not qualify as an allegation and does not require a response; to the extent that a
9 response is required, Defendants admit that Plaintiffs accurately quote the cited
10 case, but deny that the paragraph constitutes a complete statement of the law.

11 53. Answering paragraph 53, paragraph 53 includes a statement of law that
12 does not qualify as an allegation and does not require a response; to the extent that a
13 response is required, Defendants admit that Plaintiffs accurately quote the cited
14 case, but deny that the paragraph constitutes a complete statement of the law.

15 54. Answering paragraph 54, paragraph 54 includes statements of law that
16 do not qualify as allegation and does not require a response; to the extent that a
17 response is required, Defendants admit that Plaintiffs accurately quote the cited
18 case, but deny that the paragraph constitutes a complete statement of the law.

19 55. Answering paragraph 55, paragraph 55 includes a statement of law that
20 does not qualify as an allegation and does not require a response; to the extent that a
21 response is required, Defendants deny that the cited cases (*Al Saud v. Days*, 36 F.4th
22 949, 953 (9th Cir. 2022) or *Mitchell v. Washington*, 818 F.3d 436 (9th Cir. 2018))
23 support the cited proposition, nor that the cited proposition constitutes a complete
24 statement of the law.

25 56. Answering paragraph 56, Defendants deny each and every allegation in
26 paragraph 56.

27 57. Answering paragraph 57, Defendants deny each and every allegation in
28 paragraph 57.

1 58. Answering paragraph 58, paragraph 58 includes a statement of law that
2 does not qualify as an allegation and does not require a response; to the extent that a
3 response is required, Defendants admit that Plaintiffs accurately quote the cited
4 case, but deny that the paragraph constitutes a complete statement of the law.

5 59. Answering paragraph 59, paragraph 59 includes a statement of law that
6 does not qualify as an allegation and does not require a response; to the extent that a
7 response is required, Defendants admit that Plaintiffs accurately quote *Wal-Mart*
8 *Stores, Inc. v. City of Turlock*, 483 F. Supp. 2d 987 (E.D. Cal. 2006), but deny that
9 the quotation constitutes a complete statement of the law, and deny that Plaintiffs
10 accurately summarize *Santa Cruz Lesbian & Gay Comm. Ctr. V. Trump*, 508 F.
11 Supp. 3d 521 (N.D. Cal. 2020).

12 60. Answering paragraph 60, Defendants deny each and every allegation in
13 paragraph 60.

14 61. Answering paragraph 61, Defendants admit that the CSU
15 Nondiscrimination Policy does not define “caste” or identify the basis for
16 characterizing it as a subcategory. Defendants deny each and every remaining
17 allegation in paragraph 61.

18 62. Answering paragraph 62, defendants deny each and every allegation in
19 paragraph 62.

20 63. Answering paragraph 63, Defendants deny each and every allegation in
21 paragraph 65.

22 64. Paragraph 64 incorporates by reference the foregoing paragraphs of the
23 Complaint. Answering Paragraph 64, Defendants incorporate by reference the
24 foregoing paragraphs of this Answer.

25 65. Answering paragraph 65, Defendants deny each and every allegation in
26 paragraph 65.

27 66. Answering paragraph 66, Defendants deny each and every allegation in
28 paragraph 66.

1 67. Answering paragraph 67, Defendants deny each and every allegation
2 paragraph 67.

3 68. Answering paragraph 68, Defendants deny each and every allegation
4 paragraph 67.

5 69. Paragraph 69 incorporates by reference the foregoing paragraphs of the
6 Complaint. Answering Paragraph 69, Defendants incorporate by reference the
7 foregoing paragraphs of this Answer.

8 70. Answering paragraph 70, Defendants admit that 42 U.S.C. section 1983
9 states: “Every person who, under color of any statute, ordinance, regulation, custom,
10 or usage, of any State or Territory or the District of Columbia, subjects, or causes to
11 be subjected, any citizen of the United States or other person within the jurisdiction
12 thereof to the deprivation of any rights, privileges, or immunities secured by the
13 Constitution and laws, shall be liable to the party injured in an action at law, suit in
14 equity, or other proper proceeding” Defendants deny that Plaintiffs’ summary
15 of the statute constitutes a complete summary of the law.

16 71. Answering paragraph 71, Defendants admit.

17 72. Answering paragraph 72, Defendants admit that the Chancellor was
18 and is a state actor and/or acting under color of state law with respect to the
19 Nondiscrimination Policy. Defendants deny each and every remaining allegation in
20 paragraph 72.

21 73. Answering paragraph 73, Defendants admit that Plaintiffs may sue for
22 First Amendment violations under 42 U.S.C. section 1983 in certain circumstances,
23 but deny that Plaintiffs’ statement constitutes a complete statement of the law.

24 74. Answering paragraph 74, paragraph 74 consists of a statement of law
25 that does not qualify as an allegation and does not require a response; to the extent
26 that a response is required, Defendants admit that Plaintiffs accurately quote the
27 cited cases, but deny that the paragraph constitutes a complete statement of the law.

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1 75. Answering paragraph 75, Defendants deny each and every allegation in
2 paragraph 75.

3 76. Answering paragraph 76, Defendants deny each and every allegation in
4 paragraph 76.

5 77. Answering paragraph 77, Defendants deny each and every allegation in
6 paragraph 77.

7 78. Answering paragraph 78, Defendants deny each and every allegation in
8 paragraph 78.

9 79. Answering paragraph 79, Defendants deny each and every allegation in
10 paragraph 79.

11 80. Answering paragraph 80, Defendants deny each and every allegation in
12 paragraph 80.

13 81. Answering paragraph 81, Defendants deny each and every allegation in
14 paragraph 81.

15 82. Answering paragraph 82, Defendants deny each and every allegation in
16 paragraph 82.

17 83. Answering paragraph 83, Defendants deny each and every allegation in
18 paragraph 83.

19 84. Answering paragraph 84, Defendants deny each and every allegation in
20 paragraph 84.

21 85. Paragraph 85 incorporates by reference the foregoing paragraphs of the
22 Complaint. Answering Paragraph 85, Defendants incorporate by reference the
23 foregoing paragraphs of this Answer.

24 86. Answering paragraph 86, Defendants deny each and every allegation in
25 paragraph 86.

26 87. Answering paragraph 87, the allegation that “No other religion or
27 religious practice is included in the Interim Policy” is indecipherable, and
28 Defendants are unable to respond; to the extent a response is required, Defendants

1 admit that the Nondiscrimination Policy does not specifically identify any religion
2 or religious practice but otherwise deny the allegation.

3 88. Answering paragraph 88, Defendants deny each and every allegation in
4 paragraph 88.

5 89. Answering paragraph 89, Defendants admit that the Chancellor was
6 and is a state actor and/or acting under color of state law with respect to the
7 Nondiscrimination Policy. Defendants deny each and every remaining allegation in
8 paragraph 89.

9 90. Answering paragraph 90, Defendants admit that the Chancellor was
10 and is a state actor and/or acting under color of state law with respect to the
11 Nondiscrimination Policy. Defendants deny each and every remaining allegation in
12 paragraph 90.

13 91. Answering paragraph 91, Defendants deny each and every allegation in
14 paragraph 91.

15 92. Answering paragraph 92, Defendants deny each and every allegation in
16 paragraph 92.

17 93. Answering paragraph 93, Defendants deny each and every allegation in
18 paragraph 93.

19 94. Answering paragraph 94, Defendants deny each and every allegation in
20 paragraph 94.

21 95. Answering paragraph 95, Defendants deny each and every allegation in
22 paragraph 95.

23 96. Answering paragraph 96, Defendants deny each and every allegation in
24 paragraph 96.

25 97. Answering paragraph 97, Defendants deny each and every allegation in
26 paragraph 97.

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1 98. Paragraph 98 incorporates by reference the foregoing paragraphs of the
2 Complaint. Answering Paragraph 98, Defendants incorporate by reference the
3 foregoing paragraphs of this Answer.

4 99. Answering paragraph 99, to the extent that a response is required to
5 Plaintiffs assertions of law, Defendants admit that Plaintiffs accurately quote the
6 Constitution, but deny that the paragraph constitutes a complete statement of the
7 law. Defendants deny each and every remaining allegation in paragraph 99.

8 100. Answering paragraph 100, paragraph 100 includes a statement of law
9 that does not qualify as an allegation and does not require a response; to the extent
10 that a response is required, Defendants deny that *Barnes v. Wallace v. City of San*
11 *Diego*, 704 F.3d 1067 (9th Cir. 2012) stands for the proposition that “the Religion
12 Clauses of the California Constitution offer religion the same, if not more,
13 protections as those under the Federal Constitution.” Defendants deny each and
14 every remaining allegation in paragraph 100.

15 101. Answering paragraph 101, Defendants deny each and every allegation
16 in paragraph 101.

17 102. Answering paragraph 102, Defendants deny each and every allegation
18 in paragraph 102.

19 103. Answering paragraph 103, Defendants deny each and every allegation
20 in paragraph 103.

21 104. Answering paragraph 104, Defendants deny each and every allegation
22 in paragraph 104.

23 105. Answering paragraph 105, Defendants deny each and every allegation
24 in paragraph 105.

25 106. Paragraph 106 incorporates by reference the foregoing paragraphs of
26 the Complaint. Answering Paragraph 106, Defendants incorporate by reference the
27 foregoing paragraphs of this Answer.

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1 107. Answering paragraph 107, to the extent that a response is required to
2 Plaintiffs assertions of law, Defendants admit that Plaintiffs accurately quote the
3 Constitution, but deny that the paragraph constitutes a complete statement of the
4 law.

5 108. Answering paragraph 108, to the extent that a response is required to
6 Plaintiffs assertions of law, Defendants admit that Plaintiffs may sue for Equal
7 Protection Clause violations under 42 U.S.C. section 1983 in certain circumstances,
8 but deny that Plaintiffs' statement constitutes a complete statement of the law.

9 109. Answering paragraph 109, paragraph 109 consists of a statement of law
10 that does not qualify as an allegation and does not require a response; to the extent
11 that a response is required, Defendants admit that Plaintiffs accurately quote the
12 case cited in this paragraph, but deny that the paragraph constitutes a complete
13 statement of the law.

14 110. Answering paragraph 110, Defendants deny each and every allegation
15 in paragraph 110.

16 111. Answering paragraph 111, Defendants admit that the Chancellor was
17 and is a state actor and/or acting under color of state law with respect to the
18 Nondiscrimination Policy. Defendants deny each and every remaining allegation in
19 paragraph 111.

20 112. Answering paragraph 112, Defendants admit that the Chancellor was
21 and is a state actor and/or acting under color of state law with respect to the
22 Nondiscrimination Policy. Defendants deny each and every remaining allegation in
23 paragraph 112.

24 113. Answering paragraph 113, Defendants deny each and every allegation
25 in paragraph 113.

26 114. Answering paragraph 114, Defendants deny each and every allegation
27 in paragraph 114.

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1 115. Answering paragraph 115, the allegation that “No other religion,
2 alleged religious practice, or ancestry are ‘contained’ in the Interim Policy” is
3 indecipherable, and Defendants are unable to respond; to the extent a response is
4 required, Defendants admit that the CSU Nondiscrimination Policy does not
5 specifically identify any religion, religious practice, or specific type of ancestry, but
6 otherwise deny the allegation.

7 116. Answering paragraph 116, Defendants deny each and every allegation
8 in paragraph 116.

9 117. Answering paragraph 117, Defendants deny each and every allegation
10 in paragraph 117.

11 118. Answering paragraph 118, Defendants deny each and every allegation
12 in paragraph 118.

13 119. Answering paragraph 119, Defendants deny each and every allegation
14 in paragraph 119.

15 120. Paragraph 120 incorporates by reference the foregoing paragraphs of
16 the Complaint. Answering Paragraph 120, Defendants incorporate by reference the
17 foregoing paragraphs of this Answer.

18 121. Answering paragraph 121, paragraph 121 consists of a statement of law
19 that does not qualify as an allegation and does not require a response; to the extent
20 that a response is required, Defendants admit that Plaintiffs accurately quote the
21 cases cited in this paragraph, but deny that the paragraph constitutes a complete
22 statement of the law. Defendants deny each and every remaining allegation in
23 paragraph 121.

24 122. Answering paragraph 122, Defendants deny each and every allegation
25 in paragraph 122.

26 123. Paragraph 123 incorporates by reference the foregoing paragraphs of
27 the Complaint. Answering Paragraph 123, Defendants incorporate by reference the
28 foregoing paragraphs of this Answer.

1 124. Answering paragraph 124, paragraph 124 consists of a statement of law
2 that does not qualify as an allegation and does not require a response; to the extent
3 that a response is required, Defendants admit that Plaintiffs accurately quote the
4 case cited in this paragraph, but deny that the paragraph constitutes a complete
5 statement of the law.

6 125. Answering paragraph 125, paragraph 125 consists of a statement of law
7 that does not qualify as an allegation and does not require a response; to the extent
8 that a response is required, Defendants admit that Plaintiffs accurately quotes the
9 case cited in this paragraph, but deny that the paragraph constitutes a complete
10 statement of the law.

11 126. Answering paragraph 126, to the extent that a response is required to
12 Plaintiffs assertions of law, Defendants admit that Plaintiffs may bring void for
13 vagueness claims under 42 U.S.C. section 1983 in certain circumstances, but deny
14 that Plaintiffs' statement constitutes a complete statement of the law.

15 127. Answering paragraph 127, paragraph 127 consists of a statement of law
16 that does not qualify as an allegation and does not require a response; to the extent
17 that a response is required, Defendants admit that Plaintiffs accurately quotes the
18 case cited in this paragraph, but deny that the paragraph constitutes a complete
19 statement of the law.

20 128. Answering paragraph 128, Defendants admit that the CSU
21 Nondiscrimination Policy does not define "caste." Defendants deny each and every
22 remaining allegation in paragraph 128.

23 129. Answering paragraph 129, Defendants deny each and every allegation
24 in paragraph 129.

25 130. Answering paragraph 130, Defendants deny each and every allegation
26 in paragraph 130.

27 131. Answering paragraph 131, Defendants deny each and every allegation
28 in paragraph 131.

1 132. Answering paragraph 132, Defendants deny each and every allegation
2 in paragraph 132.

3 133. Answering paragraph 133, Defendants deny each and every allegation
4 in paragraph 133.

5 134. Answering paragraph 134, Defendants deny each and every allegation
6 in paragraph 134.

7 135. Answering paragraph 135, Defendants deny each and every allegation
8 in paragraph 135.

9 136. Answering paragraph 136, Defendants deny each and every allegation
10 in paragraph 136.

11 137. Paragraph 137 incorporates by reference the foregoing paragraphs of
12 the Complaint. Answering Paragraph 137, Defendants incorporate by reference the
13 foregoing paragraphs of this Answer.

14 138. Answering paragraph 138, paragraph 138 consists of a statement of law
15 that does not qualify as an allegation and does not require a response; to the extent
16 that a response is required, Defendants admit that Plaintiffs accurately quote the
17 cases cited in this paragraph, but deny that the paragraph constitutes a complete
18 statement of the law. Defendants deny that the CSU Nondiscrimination Policy is
19 void for vagueness under the California Constitution or under the Federal
20 Constitution, and further deny each and every remaining allegation of the paragraph.

21 139. Answering Plaintiffs' Prayer for Relief, Defendants deny that Plaintiffs
22 are entitled to the relief requested or any relief, and further deny that they have been
23 damaged in any nature or amount.

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DEFENSES

FIRST DEFENSE

(FAILURE TO STATE A CLAIM)

The complaint and each of its causes of action fail to state a claim upon which relief can be granted against Defendants.

SECOND DEFENSE

(STANDING)

The complaint and each of its causes of action fail to state a claim because Plaintiffs lack standing to assert those claims.

THIRD DEFENSE

(RIPENESS)

Plaintiffs' complaint and each of its causes of action are barred, in whole or in part, by the doctrine of ripeness.

FOURTH DEFENSE

(ELEVENTH AMENDMENT)

Plaintiffs' request for relief other than declaratory relief and prospective injunctive relief is barred under the Eleventh Amendment to the U.S. Constitution.

FIFTH DEFENSE

(RESERVATION OF DEFENSE)

Defendants do not presently know all of the facts and circumstances respecting Plaintiffs' claims, and therefore reserve the right to amend this answer should they later discover information demonstrating the existence of additional affirmative defenses.

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WHEREFORE, said Defendants pray as follows:

1. That the action be dismissed with prejudice;
2. That Plaintiffs take nothing by this action;
3. That Defendants recover costs of suit incurred herein;
4. For such other and further relief as the Court deems proper and just.

Dated: December 14, 2022

PAUL, PLEVIN, SULLIVAN &
CONNAUGHTON LLP

By: /s/ Matthew W. Burris

JEFF MICHALOWSKI
MATTHEW W. BURRIS
Attorneys for Defendants

1 Pursuant to Local Rule 38-1, Defendants hereby demand trial by jury.

2 Dated: December 14, 2022

3 PAUL, PLEVIN, SULLIVAN &
4 CONNAUGHTON LLP

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